

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CR-12-002-M
)	
GENARO LALO VARGAS,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

This cause came before the Court on Plaintiff's Motion for a Preliminary Order of Forfeiture (Doc. No. 31), the Court finds:

As a result of the defendant's guilty plea to Counts 1 and 2 of the Indictment for which the government sought forfeiture pursuant to Title 21, United States Code, Section 853; Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), Genaro Lalo Vargas, shall forfeit to the United States any property constituting, or derived from, any proceeds obtained, directly or indirectly as a result of such offense(s), and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such offense(s), including but not limited to the following:

- 1) \$33,570.00 in United States currency;
- 2) One (1) Smith and Wesson revolver, bearing serial number BSK9631; and
- 3) Any and all ammunition.

The Court has determined, based on defendant's plea agreement, that the property described above is subject to forfeiture pursuant to Title 21, United States Code, Section 853; Title 18, United States Code, Section 924(d) and Title 28, United

States Code, Section 2461(c), and that the government has established the requisite nexus between such property and the offense.

Upon entry of this Order, the United States is authorized to seize the listed property in accordance with Federal Rule of Criminal Procedure 32.2(b)(3).

Upon entry of this Order, the United States is authorized to commence any applicable proceeding to comply with Title 21, United States Code, Section 853(n) governing third party rights, including giving notice of this Order.

The United States shall publish or post notice, in accordance with Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, of this Order and the United States' intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the Subject Property. Title 21, United States Code, Section 853(n)(1).

Any person, other than the above named defendant, asserting a legal interest in the Subject Property may, within thirty days of receipt of notice, petition the Court for a hearing without a jury to adjudicate the validity of his/her alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to Title 21, United States Code, Section 853(n)(2)-(6).

Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to the defendant at sentencing – or before sentencing if the defendant consents – and the Court must include the forfeiture when orally announcing the sentence or must otherwise ensure that the defendant knows of the forfeiture at sentencing. The Court must also include the forfeiture order, directly or by reference, in the judgment. If no third party files a timely claim,

this Order shall become the Final Order of Forfeiture, as provided by Federal Rule of Criminal Procedure 32.2(c)(2).

Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, and any additional facts supporting the petitioner's claim and the relief sought. Title 21, United States Code, Section 853(n)(3).

The United States shall have clear title to the Subject Property following the Court's disposition of all third party interests, or, if none are asserted, following the expiration of the period provided in Title 21, United States Code, Section 853(n) for the filing of third party petitions. Title 21, United States Code, Section 853(n)(7).

The Court shall retain jurisdiction to enforce and amend this Order as necessary pursuant to Federal Rule of Criminal Procedure 32.2(e).

IT IS SO ORDERED this 23rd day of April, 2012.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE